

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**DANIEL NEIL JACKSON,**

**Plaintiff,**

**v.**

**Case No.: 7:22-cv-00090**

**D. DAMERON, et al.**

**Defendants.**

**KYLE SMITH, MD AND DERINDA DAMERON, RN'S  
(PARTIAL) MOTION TO DISMISS**

COME NOW, Kyle Smith, MD (identified in the Complaint as "Dr. K. Smith") and Derinda Dameron, RN (identified in the Complaint as "D. Dameron, RN"), by counsel, and pursuant to Rule 12(b)(6), Rule 15(a) and (d), and Rule 20 of the Federal Rules of Civil Procedure as well as Local Rule 11(c) hereby file this Partial Motion to Dismiss the Plaintiff's Supplemental Complaint. A Memorandum in Support accompanies this Motion as required by the Local Rules.

Respectfully submitted,

**KYLE SMITH, MD and  
DERINDA DAMERON, RN**

/s/ Grace Morse McNelis

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 28<sup>th</sup> day of February, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and I further certify that I will mail the document by U.S. mail to the following non-filing user:

Daniel Neil Jackson, 1182398  
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Plaintiff, *pro-se*

/s/ Grace Morse McNelis  
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